

STATE PERSONNEL BOARD CALENDAR



OCTOBER 31, 2006

SAN DIEGO

State of California

Memorandum

DATE: **October 20, 2006**

TO: ALL INTERESTED PARTIES

FROM: **STATE PERSONNEL BOARD** – Executive Office

SUBJECT: Notice and Agenda for the **October 31, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on October 31, 2006, at **The Courtyard San Diego Old Town Hotel, located at 2435 Jefferson Street – Presidio Room, San Diego, CA 92110**, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the October 31, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read 'Karen Yu', with a stylized flourish at the end.

Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location –

**The Courtyard San Diego Old Town Hotel
2435 Jefferson Street
Presidio Room
San Diego, CA 92110**

Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location –

**The Courtyard San Diego Old Town Hotel
2435 Jefferson Street
Presidio Room
San Diego, CA 92110**

Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

FULL BOARD MEETING – OCTOBER 31, 2006

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

OCTOBER 31, 2006
9:00 a.m. – 4:00 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

(9:30 a.m. – 10:00 a.m.)

- 6. ORAL ARGUMENT**

Oral in the matter of **CASE NO. 05-3030A**. Appeal from constructive demotion. Office Technician. Department of Developmental Services.

³ The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

(10:00 a.m. – 10:30 a.m.)

7. ORAL ARGUMENT

In the matter of **CASE NO. 05-1875A**. Appeal from rejection during probationary period. Equipment Material Specialist. Department of Transportation.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:30 a.m. – 11:00 a.m.)

8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

9. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

10. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

11. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

12. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(11:00 a.m. – 11:15 a.m.)

**13. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
NOVEMBER 14, 2006, IN SACRAMENTO, CALIFORNIA**

BOARD ACTIONS:

**14. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
SEPTEMBER 20, 2006**

15. EVIDENTIARY CASES - (See Case Listings on Pages 10–18)

**16. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Agenda on Pages 26–27)**

17. NON-EVIDENTIARY CASES - (See Case Listings on Pages 18–23)

18. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of

understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

19. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

As recommended by the court appointed Special Master, as a result of a federal district court decision (Madrid v. Tilton), the Office of Inspector General (OIG) and the Department of Personnel Administration (DPA) propose the establishment of a new civil service class series titled Oversight Counsel, Bureau of Independent Review (BIR) consisting of the following classes: Deputy Oversight Counsel, Bureau of Independent Review; Supervising Oversight Counsel, Bureau of Independent Review; and Chief Oversight Counsel, Bureau of Independent Review; each class established with a twelve month probation period.

CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION COMMISSION

The Department of General Services on behalf of the California Law Revision Commission proposed to re-title the existing class of Assistant Executive Secretary, California Law Revision Commission to the above title to better describe the position's role at the commission.

COOK SPECIALIST I (CORRECTIONAL FACILITY)
COOK SPECIALIST II (CORRECTIONAL FACILITY)
CORRECTIONAL SUPERVISING COOK (CORRECTIONAL FACILITY)

The California Department of Corrections and Rehabilitation (CDCR) proposes revisions to the Minimum Qualifications (MQ) for the cook Specialist I (Correctional Facility), Cook Specialist II (Correctional Facility), and Correctional Supervising Cook (Correctional Facility) classes to expand the type of work experience listed in the MQs in order to broaden the candidate pool, and to update language in the class specifications.

20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF, EXTERNAL AFFAIRS

The Office of Emergency Services proposes to allocate the above position to the CEA category. The Chief, External Affairs serves as the principal policy advisor and technical expert on public information and legislative issues.

CHIEF, TECHNOLOGY BRANCH

The Office of Emergency Services proposes to allocate the above position to the CEA category. The Chief, Technology Branch is responsible for developing, reviewing and recommending information technology/telecommunications interoperability related policies and procedures.

**SECURE TREATMENT PROGRAM CLINICAL DIRECTOR,
PORTERVILLE DEVELOPMENTAL CENTER**

The Department of Developmental Services proposes to allocate the above position to the CEA category. The Secure Treatment Program Clinical Director for the Porterville Developmental Center has twenty-four hour overall responsibility for the management and oversight of the consumers and staff within the Secure Treatment Program residential and off-residential training and educational programs.

DEPUTY DIRECTOR, ENFORCEMENT

The Department of Toxic Substances Control proposes to reallocate their existing CEA position titled Division Chief, Statewide Compliance Division to the above position. The Deputy Director, Enforcement is responsible for managing, planning, organizing and directing the activities of approximately 160 enforcement staff, as well as planning and coordinating significant and major department-wide enforcement initiatives.

ASSISTANT EXECUTIVE DIRECTOR

The Sierra Nevada Conservancy proposes to allocate the above position to the CEA category. The Assistant Executive Director will provide direct assistance to the Executive Officer and the Governing Board in the development and implementation of programs designed to carry out the mission of the Sierra Nevada Conservancy.

**DEPUTY DIRECTOR, HEALTH POLICY & LEGISLATIVE AND
EXTERNAL AFFAIRS**

The Managed Risk Medical Insurance Board (MRMIB) proposes to allocate the above position to the CEA category. The Deputy Director, Health Policy & Legislative and External Affairs is responsible for developing and implementing health policy for the Board, performing the development and policy negotiations for MRMIB's legislative function at both the State and federal level, and developing and implementing MRMIB's external affairs program.

DEPUTY EXECUTIVE DIRECTOR, EXTERNAL AFFAIRS AND SPECIAL ADVISOR

The Department of Fish and Game on behalf of the Fish and Game Commission proposes to allocate the above position to the CEA category. The Deputy Executive Director, External Affairs and Special Advisor serves as the principal consultant, advisor and technical expert on resource issues, activities, policies, and programs before the five-member Commission and the Executive Director.

DEPUTY EXECUTIVE DIRECTOR, REGULATIONS AND POLICY

The Department of Fish and Game on behalf of the Fish and Game Commission proposes to allocate the above position to the CEA category. The Deputy Executive Director, Regulations and Policy administers a statewide regulation program that involves all natural resources under the Commission's jurisdiction.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

ASSISTANT DEPUTY DIRECTOR, OFFICE OF PROVIDER OVERSIGHT

The Department of Managed Health Care's proposal to allocate the above position to the CEA category has been approved effective September 25, 2006.

POLICY ADVISOR AND STRATEGIC PLANNER

The Public Utilities Commission's proposal to allocate the above position to the CEA category has been approved effective September 25, 2006.

CHIEF COUNSEL

The Department of General Services' proposal on behalf of the California Children and Families Commission to allocate the above position to the CEA category has been approved effective September 26, 2006.

CHIEF, FOOD STAMP BRANCH

The Department of Social Service's proposal to allocate the above position to the CEA category has been approved effective October 2, 2006.

ASSISTANT COUNSEL, STATE CONTRACTS SERVICES

The State Compensation Insurance Fund's proposal to allocate the above position to the CEA category has been approved effective October 2, 2006.

21. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

22. WRITTEN STAFF REPORT FOR BOARD INFORMATION

23. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

24. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 24–25)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

(11:15 a.m. – 4:00 p.m.)

25. PLANNING SESSION – California State Personnel Board Staff

A D J O U R N M E N T

15. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) CASE NO. 05-1737RPA

Appeal from dismissal

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006.

Case ready for decision by FULL Board.

(2) CASE NO. 05-2596A & CASE NO. 05-2592A

Appeal from formal reprimand and formal reprimand and five workday's suspension

Classification: Physician and Surgeon, Correctional Facility

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.

Transcript prepared.

Pending oral argument September 5, 2006, Sacramento.

Oral argument continued.

Pending oral argument October 10, 2006, Sacramento.

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

(3) CASE NO. 05-1351A

Appeal from dismissal

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

Proposed decision rejected April 4, 2006.

Transcript prepared.

Pending oral argument August 8-9, 2006, Los Angeles.

Oral argument continued.

Pending oral argument September 5, 2006, Sacramento.

Oral argument heard September 5, 2006.

Case ready for decision by FULL Board.

- (4) **CASE NO. 04-1620PA**
Appeal from dismissal
Classification: Transportation Surveyor
Department: Department of Transportation

Petition for Rehearing granted April 4, 2006.
Transcript prepared.
Pending oral argument August 8, 2006, Los Angeles.
Oral argument heard August 8, 2006.
Case ready for decision by FULL Board.
- (5) **CASE NO. 05-0078A**
Appeal from dismissal
Classification: Workers' Compensation Payroll Auditor
Department: State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.
Transcript prepared.
Pending oral argument September 5, 2006, Sacramento.
Oral argument heard September 5, 2006.
Case ready for decision by FULL Board.
- (6) **CASE NO. 05-0207PA**
Appeal from constructive medical suspension
Classification: Facility Captain
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.
Transcript prepared.
Pending oral argument August 8, 2006, Los Angeles.
Oral argument continued.
Pending oral argument October 10, 2006.
Oral argument heard October 10, 2006.
Case ready for decision by FULL Board.
- (7) **CASE NO. 06-0392**
Appeal from five percent reduction in salary for twenty-four months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Matter was held over for the October 31, 2006 Board meeting.

(8) PSC NO. 06-03

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services

Department: Department of California Highway Patrol

Employee Organization: Services Employees International Union, Local 1000 (CSEA)

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

(1) CASE NO. 05-3030A

Appeal constructive demotion

Classification: Office Technician

Department: Department of Developmental Services

(2) CASE NO. 05-1875A

Appeal from rejection during probationary period

Classification: Equipment Material Specialist

Department: Department of Transportation

C. CHIEF COUNSEL RESOLUTIONS

(1) CASE NO. 06-2429

CASE NO. 06-2432

CASE NO. 06-2423

CASE NO. 06-2435

CASE NO. 06-2434

CASE NO. 06-2433

Backdating of Appointments

Classification: Staff Counsel III

Department: State Water Resources Control Board

Request to Approve Backdating of Appointments

(2) CASE NO. 05-1733

Appeal from rejection during probation

Classification: Registered Nurse, CF

Department: Department of Corrections and Rehabilitation

Request for Back Pay Hearing

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

(3) CASE NO. 00-1687AB

Appeal from denial of reasonable accommodation

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

Remand Order from Riverside County Superior Court

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

(1) CASE NO. 05-4113

Appeal from five percent reduction in salary for 12 months+

Classification: Registered Nurse

Department: Department of Corrections and Rehabilitation

(2) CASE NO. 06-0722

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(3) CASE NO. 05-4194E

Appeal for discrimination complaint

Classification: Assistant Information Systems Analyst

Department: Department of Corrections and Rehabilitation

(4) CASE NO. 05-4145

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(5) CASE NO. 04-1880

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

- (6) **CASE NO. 05-2030 & CASE NO. 05-2158**
Appeal from 55 workdays' suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (7) **CASE NO. 06-1884**
Appeal from rejection during probation
Classification: Custodian
Department: Department of General Services
- (8) **CASE NO. 06-1078**
Appeal from official reprimand
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 06-1300**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (10) **CASE NO. 05-0946**
Appeal from dismissal
Classification: Physician
Department: California State University, San Bernardino
- (11) **CASE NO. 05-2550**
Appeal from rejection during probation
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
- (12) **CASE NO. 05-2139E**
Appeal from denial of request for reasonable accommodation
Classification: Office Technician (Typing)
Department: Employment Development Department
- (13) **CASE NO. 06-2298**
Appeal from ten percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (14) **CASE NO. 05-3870**
Appeal from three days' suspension
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation

October 31, 2006

- (15) **CASE NO. 05-2457**
Appeal from ten percent reduction in salary for 12 months
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
- (16) **CASE NO. 06-0206**
Appeal from ten percent reduction in salary for 24 months
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
- (17) **CASE NO. 06-0274**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (18) **CASE NO. 05-3519**
Appeal from demotion
Classification: Supervisor of Building and Trades
Department: Department of General Services
- (19) **CASE NO. 06-0029**
Appeal from official reprimand
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

October 31, 2006

- (1) **CASE NO.05-2115P, 05-2272P & 05-3110P**
Appeal from denial of reasonable accommodation, 5 working days' suspension And 20 working days' suspension
Classification: Program Technician II
Department: Employment Development Department
- (2) **CASE NO. 05-2888P**
Appeal from dismissal
Classification: Staff Services Analyst
Department: Department of Consumer Affairs
- (3) **CASE NO. 05-2373EP**
Appeal for complaint of retaliation
Classification: Deputy Labor Commissioner I
Department: Department of Industrial Relations
- (4) **CASE NO. 05-2760P**
Appeal from demotion
Classification: Staff Services Manager I
Department: Office of the State Controller
- (5) **CASE NO. 05-2713P**
Appeal from disciplinary transfer
Classification: Transportation Engineer (Civil)
Department: Department of Transportation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 05-0053A**
Appeal from dismissal
Classification: Park Maintenance Assistant
Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.
Pending transcript.

October 31, 2006

- (2) **CASE NO. 05-2211A**
Appeal from dismissal
Classification: Senior Tax Compliance Representative
Department: Employment Development Department

Proposed decision rejected September 20, 2006.
Pending transcript.
- (3) **CASE NO. 05-3030A**
Appeal from constructive demotion
Classification: Office Technician
Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.
Transcript prepared.
Pending oral argument August 8, 2006, Los Angeles.
Oral argument continued.
Pending oral argument October 31-November 1, 2006, San Diego.
- (4) **CASE NO. 05-0638A**
Appeal from dismissal
Classification: Conservationist I
Department: California Conservation Corps

Proposed decision rejected September 5, 2006.
Transcript prepared.
- (5) **CASE NO. 04-1789APB**
Appeal for back pay
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.
Transcript prepared.
Pending oral argument October 31-November 1, 2006, San Diego.
Oral argument cancelled.
Pending stipulation approval.
- (6) **CASE NO. 05-1567A**
Appeal from dismissal
Classification: Housing Finance Specialist (General)
Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.
Transcript prepared.
Pending oral argument October 31-November 1, 2006, San Diego.
Oral argument continued.
Pending oral argument December 5-6, San Francisco.

(7) CASE NO. 05-1875A

Appeal from rejection during probationary period

Classification: Equipment Material Specialist

Department: Department of Transportation

Proposed decision rejected August 8, 2006.

Transcript prepared.

Pending oral argument October 31-November 1, 2006, San Diego.

(8) CASE NO. 04-2919EPA

Appeal of discrimination and retaliation

Classification: Physician and Surgeon

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006.

Transcript prepared.

17. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 05-3632

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; a negative employment record and omitting pertinent information.

(2) CASE NO. 05-3629

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation

Issue: Suitability; omitted information and a negative military record.

October 31, 2006

- (3) **CASE NO. 05-3641**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; felony conviction.
- (4) **CASE NO. 05-3356**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (5) **CASE NO. 05-3630**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record.
- (6) **CASE NO. 05-2885**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and negative law enforcement contacts.
- (7) **CASE NO. 05-3650**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; his current probationary status.
- (8) **CASE NO. 05-3628**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information and furnished inaccurate information.
- (9) **CASE NO. 05-3625**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (10) **CASE NO. 05-3639**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record.
- (11) **CASE NO. 05-3248**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information and furnished inaccurate information.

- (12) **CASE NO. 05-3240**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (13) **CASE NO. 05-3238**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate information.
- (14) **CASE NO. 05-3241**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and furnished inaccurate information during the selection process.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 05-2118**
Classification: Hospital Peace Officer
Department: Department of Mental Health
Issue: The appellant shows signs of poor judgment and immaturity, and personality traits that would significantly interfere with the performance standards for State peace officer employment under Government Code § 1031.
- (2) **CASE NO. 05-1919**
Classification: Correctional Officer
Department: California Department of Correction & Rehabilitation
Issue: The appellant was medically disqualified because his visual acuity was not correctable to the visual acuity standard of 20/20 that would qualify him to safely perform the essential functions of a Correctional Officer.
- **CASE NO. 06-2210N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

- **CASE NO. 06-1102N**
Classification: Disaster Assistanes Programs Specialist I
Department: Office of Emergency Services

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

- (1) **CASE NO. 05-1573**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (2) **CASE NO. 05-3834**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.

- (3) **CASE NO. 05-3838**
 Classification: Civilly Committed Patient at Atascadero
 State Hospital
 Department: Department of Mental Health
 Issue: The charging party requests to file charges against an
 employee of the Atascadero State Hospital.
- (4) **CASE NO. 05-4380**
 Classification: Civilly Committed Patient at Atascadero
 State Hospital
 Department: Department of Mental Health
 Issue: The charging party requests to file charges against an
 employee of the Atascadero State Hospital.
- (5) **CASE NO. 05-4369**
 Classification: Civilly Committed Patient at Atascadero
 State Hospital
 Department: Department of Mental Health
 Issue: The charging party requests to file charges against an
 employee of the Atascadero State Hospital.
- (6) **CASE NO. 05-3800**
 Classification: Civilly Committed Patient at Atascadero
 State Hospital
 Department: Department of Mental Health
 Issue: The charging party requests to file charges against an
 employee of the Atascadero State Hospital.
- (7) **CASE NO. 05-3822**
 Classification: Civilly Committed Patient at Atascadero
 State Hospital
 Department: Department of Mental Health
 Issue: The charging party requests to file charges against an
 employee of the Atascadero State Hospital.
- (8) **CASE NO. 05-1614**
 Classification: Civilly Committed Patient at Atascadero
 State Hospital
 Department: Department of Mental Health
 Issue: The charging party requests to file charges against an
 employee of the Atascadero State Hospital.

- (9) **CASE NO. 05-1505**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (10) **CASE NO. 05-2070**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (11) **CASE NO. 05-1694**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (12) **CASE NO. 05-3805**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. HEARING – Public Hearing Regarding State Employment Application (STD. 678 (Rev/ 12/2001))

Should the Instructions section of the state employment application, pursuant to Richard Toby (2001) SPB Dec. No. 01-04, clarify whether employees who have been rejected during their probationary period be required to answer "Yes" to Question No. 5 of the employment application? (Hearing held July 11, 2006.)

7. CASE NO. 05-1737RPA

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

8. CASE NO. 04-1620PA

Appeal from dismissal. Transportation Surveyor. Department of Transportation.
(Oral argument held August 8, 2006.)

9. CASE NO. 00-3446

Appeal to set aside resignation. Police Officer. California State University, Fresno.
(Oral argument held September 5, 2006.)

10. CASE NO. 05-1351A

Appeal from dismissal. Youth Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held September 5, 2006.)

11. CASE NO. 05-0078A

Appeal from dismissal. Workers' Compensation Payroll Auditor. State Compensation Insurance Fund. (Oral argument held September 5, 2006.)

12. CASE NO. 05-2596A & CASE NO. 05-2595A & 06-0016A

Appeal from official reprimand and official reprimand and five workdays' suspension. Physician and Surgeon, Correctional Facility. Department of Corrections and Rehabilitation. (Oral argument held October 10, 2006.)

13. CASE NO. 05-4330A

Appeal from dismissal. Custodian Supervisor II. Department of Corrections and Rehabilitation. (Oral argument held October 10, 2006.)

14. CASE NO. 05-0207PA

Appeal from constructive medical suspension. Facility Captain. Department of Corrections and Rehabilitation. (Oral argument held October 10, 2006.)

15. PERSONAL SERVICES CONTRACT #06-03

Appeal from the Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



1

(Cal. 10/31/06)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE OCTOBER 31, 2006

(Cal. 10/31/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

NONE PRESENTED

(Cal. 10/31/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

	<u>Page</u>
OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW	501
As recommended by the court appointed Special Master, as a result of a federal district court decision (Madrid v. Tilton), the Office of Inspector General (OIG) and the Department of Personnel Administration (DPA) propose the establishment of a new civil service class series titled Oversight Counsel, Bureau of Independent Review (BIR) consisting of the following classes: Deputy Oversight Counsel, Bureau of Independent Review; Supervising Oversight Counsel, Bureau of Independent Review; and Chief Oversight Counsel, Bureau of Independent Review; each class established with a twelve month probation period.	
CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION COMMISSION	518
The Department of General Services on behalf of the California Law Revision Commission proposed to re-title the existing class of Assistant Executive Secretary, California Law Revision Commission to the above title to better describe the position's role at the commission.	
COOK SPECIALIST I (CORRECTIONAL FACILITY) COOK SPECIALIST II (CORRECTIONAL FACILITY) CORRECTIONAL SUPERVISING COOK (CORRECTIONAL FACILITY)	525
The California Department of Corrections and Rehabilitation (CDCR) proposes revisions to the Minimum Qualifications (MQ) for the cook Specialist I (Correctional Facility), Cook Specialist II (Correctional Facility), and Correctional Supervising Cook (Correctional Facility) classes to expand the type of work experience listed in the MQs in order to broaden the candidate pool, and to update language in the class specifications.	

TO: STATE PERSONNEL BOARD

FROM: Phyllis Moore
Personnel Management Analyst
Department of Personnel Administration

Debra Thompsen
Personnel Program Manager I
Department of Personnel Administration

REVIEWED BY: Josie Fernandez
Personnel Program Manager II
Department of Personnel Administration

SUBJECT: Proposed establishment of a new class series to be titled Oversight Counsel, Bureau of Independent Review; including classes of Deputy Oversight Counsel, Bureau of Independent Review; Supervising Oversight Counsel, Bureau of Independent Review; and Chief Oversight Counsel, Bureau of Independent Review; each class with a 12-month probationary period.

SUMMARY OF ISSUES:

The Office of the Inspector General (OIG) proposes establishment of a new civil service class series to assume the duties presently performed by exempt appointees within the Bureau of Independent Review (BIR) which included conducting oversight and monitoring of internal investigations and other activities within the California Department of Corrections and Rehabilitation. In order to respond to concerns of the Administration and the federal court, it was necessary for the Inspector General to immediately fill positions and begin programmatic work in this newly mandated arena. Positions at the Office of Inspector General have a unique role of legal and peace officer responsibility. Penal Code Section 830.2(j) states that "The Inspector General, pursuant to Section 6125, and the Chief Inspector General in Charge, the Senior Deputy Inspector General, the Deputy Inspector General, and those employees of the Inspector General as designated by the Inspector General, are peace officers, provided that the primary duty of these peace officers shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections."

The OIG has determined that a civil service structure is necessary to ensure consistency and stability in the program role. The proposed structure includes a

working level (Deputy Oversight Counsel, BIR), a supervisory level (Supervising Oversight Counsel, BIR), and a division chief level (Chief Oversight Counsel, BIR); allows for both open and promotional candidates to participate in examinations; and includes validated knowledge and abilities which will fairly and equitably distinguish between competitors in the examination process.

CONSULTED WITH:

Brett Morgan, Office of the Inspector General
 Dave Shaw, Office of the Inspector General
 Debi Neeley, Office of the Inspector General
 Pouneh Tehrani, Office of the Inspector General
 Phil Kalstrom, Office of the Inspector General (retired)
 Jennifer Roche, State Personnel Board
 Karen Coffee, State Personnel Board

BACKGROUND AND CONSIDERATIONS:

Please see the attached.

A courtesy copy of this proposal has been shared with Association of California State Supervisors and California Association of Managers and Supervisors.

RECOMMENDATIONS:

It is recommended:

That the following classes be established; the proposed Oversight Counsel, Bureau of Independent Review series specification including specifications for the classes as shown in the current calendar be adopted; and the probationary period be as specified below:

<u>Class</u>	<u>Probationary Period</u>
Deputy Oversight Counsel, Bureau of Independent Review	12 months
Supervising Oversight Counsel, Bureau of Independent Review	12 months
Chief Oversight Counsel, Bureau of Independent Review	12 months

PART B. CLASSIFICATION CONSIDERATIONS

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject classes and the needs that this request addresses.

The Bureau of Independent Review (BIR) was established as an outcome of a federal district court decision regarding a civil rights lawsuit filed by a group of inmates at Pelican Bay State Prison. This case was originally cited as *Madrid v. Hickman* (now *Madrid v. Tilton*). In response to this suit, the federal court appointed a Special Master experienced in prison administration to determine an appropriate remedy for the issues brought by the suit, and monitor the implementation of that remedy. The Special Master recommended to the court that the State follow a system developed and implemented by Los Angeles County to ensure the integrity of the Los Angeles County Sheriff's Office in its conduct of internal investigations.

The model recommended by the Special Master was developed for the Los Angeles County Sheriff's Office (LACSO) and provides for civilian oversight as a means to improve the quality and objectivity of internal investigations conducted by the LACSO. This is an independent body assigned to work with, but not work for, the LACSO. With both Sheriff's Office and Board of Supervisor's support, the Office of Independent Review was established and staffed with full-time civil rights and criminal law attorneys, who were charged with the responsibility to oversee, monitor and report on all internal investigations conducted within the LACSO.

SB 1400, Romero, was signed in July 2004, and the State's Bureau of Independent Review (BIR) was established within the Office of the Inspector General (OIG). In order to meet the court's mandates in a timely manner, the Administration granted the OIG use of thirteen exempt appointments to be used to staff the BIR. As the program function is permanent and ongoing, and as recommended by the Special Master to the court, it is in management's interest to develop a civil service classification structure to continue programmatic efforts and provide status rights to BIR employees.

This proposal requests establishment of a three-level classification series to be utilized within the BIR to conduct the oversight and monitoring of internal investigations and other activities within the Department of Corrections and Rehabilitation (CDCR) as requested by the federal court and supported by the Administration.

CLASSIFICATION CONSIDERATIONS

2. What classifications do the subject classes report to?

The Chief Oversight Counsel, BIR reports to the Inspector General and Chief Deputy Inspector General. Incumbents in the Supervising Oversight Counsel, BIR, and Deputy Oversight Counsel, BIR, classes report to the Chief Oversight Counsel position.

3. Will the subject classes supervise? If so, what classes?

The Chief Oversight Counsel, BIR will provide managerial oversight and policy direction for all subordinate BIR staff on a statewide basis. The Supervising Oversight Counsels, BIR will supervise Deputy Oversight Counsels, BIR, in headquarters and field offices, as well as incumbents in the Deputy Inspector General class and incumbents in general office support classes.

4. What are the specific duties of the subject classes?

The Chief Oversight Counsel, BIR will function as the Division Chief and assume all responsibilities associated with administrative, technical and policy setting functions for the BIR. The incumbent will establish all program strategies and initiatives as well as manage all investigative program components. The Chief Oversight Counsel, BIR will also serve as advisor to the Inspector General, Chief Deputy Inspector General, Governor, Legislature, and federal court, and provide comprehensive reports for the general public regarding investigations conducted within the CDCR.

The Supervising Oversight Counsels, BIR, will function as regional office supervisors (Sacramento headquarters, Rancho Cordova, Bakersfield and Rancho Cucamonga) and provide full supervisory, administrative and technical support to subordinate staff, while personally overseeing the most complex and sensitive investigations.

Deputy Oversight Counsels, BIR, perform a full range of independent oversight and monitoring activities related to CDCR internal investigations. Incumbents will monitor internal affairs investigations conducted by CDCR staff and provide technical assistance, as well as prepare synopses of cases and provide an assessment of the quality of the investigative techniques and procedures utilized by CDCR investigators.

All Levels

Incumbents perform a full range of peace officer duties and responsibilities in the accomplishment of their assignments.

5. What is the decision-making responsibility of the subject classes?

The Chief Oversight Counsel, BIR functions as the Division Chief and assumes all administrative, technical and policy-related responsibilities. As the Division Chief of BIR, the incumbent advises the Inspector General, Chief Deputy Inspector General, Governor, Legislature, the federal court and the public regarding internal affairs investigations within the CDCR.

Supervising Oversight Counsel, BIR, incumbents function as regional office or headquarters office supervisors, personally overseeing the most complex CDCR internal investigations. Incumbents review, evaluate and assign all incoming internal investigations; confer with CDCR staff regarding investigation plans and strategies; confer with a variety of CDCR staff regarding administrative discipline cases; determine correct statute of limitations for all cases; provide legal advice and assistance to both OIG and CDCR staff; prepare reports for the federal court and the general public; and perform all associated administrative duties aligned with general supervision of a field office and its staff.

Deputy Oversight Counsel, BIR, incumbents perform a full range of oversight and monitoring duties related to investigations conducted by staff of the CDCR. Incumbents monitor internal affairs investigations of CDCR activities and provide technical assistance in the conduct of investigations, prosecutions and disciplinary proceedings, and prepare reports and conduct special studies as requested.

6. What would be the consequence of error if incumbents in the subject classes did not perform their job? (Program problems, lost funding, public safety compromised, etc.)

The consequence of error for all classes within the proposed series is extremely high as employee misconduct within the CDCR has a myriad of legal and political implications. Failure to appropriately monitor CDCR investigations, failure to investigate allegations of misconduct, and failure to seek progressive discipline could result in civil rights violations and/or other negative results due to faulty investigations. These could result in lawsuits against the State of California.

Additionally, the federal court could impose sanctions against the CDCR and the Administration if mandated changes are not implemented as ordered by the court. Such censure could result in the Administration's authority being diminished or removed from CDCR control, increased costs for the correctional system within California, political embarrassment for the Administration and a lessening of public trust in the State's correctional system. In addition to monetary sanctions, the court could impose a receiver over the CDCR employee discipline process.

7. What are the analytical requirements expected of incumbents in the subject classes?

Incumbents at all levels within this class series must be able to understand and apply all legal and administrative processes related to the conduct of fair and impartial internal investigations, and oversee the application of appropriate disciplinary action for employee misconduct. Incumbents must possess technical knowledge of rules of evidence, constitutional rights related to laws of arrest, search and seizure, and service of legal processes; investigative strategies and techniques; use of warrants, interrogations, surveillance, evidence preservation and gather, crime scene processing, forensics and interviewing techniques. Incumbents must be able to consider the facts of a case in a fair and unbiased manner and communicate effectively with a variety of persons involved in investigations; develop cooperative working relationships and prepare reports in a clear and concise manner.

8. What are the purpose, type and level of contacts incumbents in the subject classes make?

Incumbents at all class levels have contact with CDCR Special Agents, human resource and labor relations staff, legal office staff, prison administrators, union representatives, and Vertical Advocates (Staff Counsel positions), who are members of the California State Bar, in the conduct of internal affairs investigations within the CDCR. Incumbents also have contact with local District Attorneys' staff and staff of the Office of the Attorney General for the filing of charges in criminal matters against CDCR staff.

At the highest level, the Chief Oversight Counsel, BIR will have contact with the Governor's Office, Legislature, CDCR executive management, the media and other public interest organization representatives.

NEED FOR NEW CLASS

9. For new classes only: what existing classes were considered and why were they not appropriate?

Special Agent, CDCR classes were reviewed initially, as these are the classes utilized to conduct investigations within CDCR. However, none of the classes within the Special Agent, CDCR series require a legal background or membership in the California State Bar.

The classes within the Staff Counsel servicewide class series were reviewed, as were the Deputy Attorney General classes. Neither existing class series was considered viable based upon Minimum Qualifications and need for peace officer status. Also, the Deputy Attorney General class series is developed for, and used solely by, the Office of the Attorney General.

A variety of other State departments have their own unique legal classes that emphasize the programmatic functions within the specific department. None of the classes reviewed provide a qualified candidate pool for the work to be performed by incumbents of the Office of the Inspector General based upon minimum qualifications and knowledge and abilities specific to the mission of the Office of the Inspector General.

Absent viable use of any existing class series, it was determined that the best course was to establish a legal classification series unique to the Office of the Inspector General.

MINIMUM QUALIFICATIONS

10. What are the proposed or current Minimum Qualifications of the subject classes and why are they appropriate? (Include inside and outside experience patterns.)

All classes within the newly proposed class series will require active membership in the California State Bar.

The Deputy Oversight Counsel, BIR class will require either four years within the California State service performing duties comparable to Staff Counsel III or five or more years in the private practice of law or in a legal capacity in the federal government service or in the service of a California city or county in a position which oversees or provides broad oversight to legal investigative activities.

The Supervising Oversight Counsel, BIR class will require either three years within the California State service performing duties of a Deputy Oversight Counselor, BIR; or five years of experience in the California State service performing duties comparable to Staff Counsel III; or seven or more years in the private practice of law, four years of which must have been performing duties in a supervisory position equivalent in level of responsibility to that of a Staff Counsel III Supervisor.

The Chief Oversight Counsel, BIR will require three years within the California State service performing the duties of a Supervising Oversight Counsel, BIR; or ten or more years in the practice of law or in a legal capacity within the federal government or in the service of a California city or county, of which at least five years must have been performing duties which include planning, organizing, directing and coordinating the work of a large law office or governmental agency, or the work of a group of attorneys practicing in specialized fields of law, or the work of a group of attorneys that provides broad oversight to legal investigative activities.

To be successful as the Chief Oversight Counsel, BIR, will require that the incumbent have a legal, law enforcement, and administrative background. In our

experience, there are insufficient numbers of civil service employees who meet all of the above criteria.

Each of the Minimum Qualifications patterns will have an early entry feature which will allow candidates who do not possess the full amount of relevant experience to participate in examinations, but not be eligible for appointment until the required period of experience is reached. All of the requirements are appropriate as they ensure the possession of a well established legal understanding of regulations and processes within legal settings; provide a reasonable candidate pool, both within and outside of California State government, and are comparable in time and experience to established legal classes within civil service.

PROBATIONARY PERIOD

11. If a probationary period other than six months is proposed, what is the rationale?

It is proposed that the Deputy Oversight Counsel, BIR and Supervising Oversight Counsel, BIR classes be established with 12-month probationary periods. This period of time is comparable to other professional working and supervisory classes within State service.

It is proposed that the Chief Oversight Counsel, BIR class be established with a 12-month probationary period. This is comparable to other managerial designated classes within State service.

STATUS CONSIDERATIONS

12. What is the impact on current incumbents?

All current incumbents are exempt appointees; thus have no status rights that will be impacted by the establishment of the proposed classification series.

13. Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rationale.

As current incumbents are exempt appointees, it will be necessary for all incumbents to participate, and be successful, in open civil service examinations.

CONSULTED WITH

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Marie M. Powell, Consultant, Cooperative Personnel Services

CALIFORNIA STATE PERSONNEL BOARD**SPECIFICATION**

OVERSIGHT COUNSEL,
BUREAU OF INDEPENDENT REVIEW
(Established _____)

SCOPE

This series specification describes three classifications used by the Office of the Inspector General within the Bureau of Independent Review to ensure that internal affairs investigations conducted by the California Department of Corrections and Rehabilitation (CDCR) are thorough, professional, and timely. Incumbents in these classes oversee and participate in the investigation of activities of employee misconduct within the California Department of Corrections and Rehabilitation and advise the Inspector General, Governor, Legislature, Federal Courts, and the public on internal affairs investigations, reform efforts, and the results of all special investigations.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
XF10	6039	Deputy Oversight Counsel, Bureau of Independent Review
XF11	6040	Supervising Oversight Counsel, Bureau of Independent Review
XF12	6041	Chief Oversight Counsel, Bureau of Independent Review

DEFINITION OF SERIES

The concept of the classes within this series is to ensure that the internal affairs investigations conducted by CDCR are conducted thoroughly, professionally and timely, and that a legal point of view is included whenever CDCR undertakes an investigation, prepares to take an adverse action against an employee, prepares to take criminal action against an employee or inmate, and that legal activities are conducted in a manner which will ensure that all rights and due process are made available to all included within the scope of the investigation.

Incumbents oversee, monitor, and participate in the conduct of investigations by the CDCR related to employee misconduct, prosecution, and subsequent employee discipline, ensuring that investigations are completed in a fair, just, thorough, and professional manner. Incumbents oversee the progress of internal affairs investigations of CDCR employees; consult with CDCR Special Agents regarding progress of active investigations; determine the correct statute of limitations for all cases; confer with CDCR Special Agents regarding investigative strategies; complete case monitoring

reports, special reports, letters, or other written communications regarding ongoing monitoring of cases; input data into an electronic case monitoring system; identify potential legal issues and/or concerns regarding cases; read and analyze reports of complaints or employee misconduct; prepare written comments to be incorporated into semi-annual reports on the progress of internal affairs matters within CDCR; prepare an accurate synopsis of each case and provide an assessment as to the quality of the investigation, a recommendation for appropriate discipline, and the degree to which the hiring authority agreed with the recommendations made; schedule progress meetings with CDCR Special Agents and other supervisorial staff; discuss evidence and proposed discipline against charged employees with CDCR Vertical Advocates; evaluate reports of employee misconduct for presence of factors that indicate real time monitoring is appropriate; liaison with a variety of CDCR staff, outside law enforcement agencies, and criminal prosecutors; review reports of incidents that have occurred within CDCR; assume the role of primary responder for one week each month; read and analyze reports of investigations conducted by a variety of investigative entities, including outside law enforcement agencies; conduct special reviews relating to critical incidents or important situations as directed; ensure that written allegations against employees accurately reflect the employee's misconduct; respond to scenes of critical incidents involving CDCR employees; meet with the hiring authority to discuss investigation and potential settlement of cases; read and analyze daily advance sheets; assist in identifying potential witnesses and evidence; attend employee disciplinary hearings held by the hiring authority; consult with CDCR Vertical Advocate regarding progress of investigation; draft reports relating to special reviews; attend and observe subject/witness interviews; attend Skelly hearings and provide input regarding Skelly decisions; consult with local prosecutors regarding criminal investigations; observe disciplinary proceedings before the State Personnel Board; attend prosecution hearings in Superior Court; and perform other related duties.

Incumbents participate with CDCR internal investigators in the conduct of on-site, real-time responses to complaints, or critical incidents at institutions harboring dangerous criminal populations. Oversight Counsel monitor peace officers, and are required to arrest, use force as necessary, or defend themselves in dealing with uncooperative and/or armed CDCR employees. These potentially critical incidents could bring harm or danger, and could place Oversight Counsel in a position where they would need to defend themselves.

DEFINITION OF LEVELS

DEPUTY OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Under general direction, incumbents perform a full range of independent oversight and monitoring activities related to investigations conducted by the CDCR. Incumbents participate in investigations of CDCR activities and staff members and provide technical assistance to the hiring authority and other law enforcement agencies in the conduct of investigations, prosecutions, and disciplinary proceedings; conduct audits of investigatory practices and other audits; prepare reports and conduct special studies as requested. In the conduct of these duties, incumbents interpret and apply laws, court decisions, and other legal authorities; monitor the preparation of and prepare case memoranda, digests, summaries, and reports; monitor the seizure and evaluation of evidence; attend witness interviews; perform legal research; provide advice or opinions to CDCR management and investigative and legal staff regarding legal issues arising from internal affairs investigations, and the legal effects of rules, regulations, proposed legislation, statutory law, court decisions, and administrative actions; monitor and participate in settlement conferences, and determine the weight of evidence. Incumbents perform a full range of peace officer duties and responsibilities in the accomplishment of their assignments.

SUPERVISING OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Under general direction, incumbents function as regional office or headquarters supervisors and oversee the most complex or sensitive CDCR employee misconduct investigations. Incumbents review, evaluate, and assign all incoming internal affairs investigations; confer with CDCR Special Agents regarding investigation plans, strategies, and progress of cases being monitored; confer with legal staff, the hiring authority, and employee relations officers regarding administrative discipline cases being monitored; assign specific job tasks, monitor workload, and evaluate staff performance; take or effectively recommend corrective action; remain on call for immediate response for any major incident to provide on-site observation and consultation; determine correct statute of limitations for all cases; conduct audits of investigatory practices and other audits; oversee and review all Inspector General administrative functions, including but not limited to, the purchase of equipment, facilities, supplies, mileage and expense claims, and timesheets; assist in the preparation of semi-annual and annual Bureau of Independent Review reports; prepare reports for Federal Court on cases monitored by themselves or by staff; provide legal advice and assistance to Inspector General and CDCR staff; research legal issues; conduct staff meetings; function as liaison with local District Attorney's offices to assist and facilitate the filing of criminal cases arising from incidents or investigations; and act as liaison with outside agencies connected to inmate rights groups, citizens advisory committees, and others with

interest in the investigations. Incumbents perform a full range of peace officer duties and responsibilities in the accomplishment of their assignments.

CHIEF OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Under administrative direction, the incumbent functions as a Division Chief and is responsible for all administrative, technical, and policy-making directives for the Bureau of Independent Review. The incumbent establishes program strategies and initiatives; manages the investigative program components; and advises the Inspector General, Governor, Legislature, the Federal Court, and the public regarding internal affairs investigations, reform efforts, and results. Incumbents perform a full range of peace officer duties and responsibilities in the accomplishment of their assignments.

MINIMUM QUALIFICATIONS

ALL LEVELS:

All applicants must possess active membership in the California State Bar in order to be considered eligible for appointment.

DEPUTY OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Either I

Four years of experience in the California state service performing duties comparable in level to those of a Staff Counsel III (Specialist) or (Supervisor). (Applicants who have completed three years and six months of the required experience comparable to one of the Staff Counsel III classes will be admitted to the examination, but must complete four years of such experience before they will be considered eligible for appointment.)

Or II

Broad and extensive experience (five or more years) in the private practice of law*, or in a legal capacity in the Federal service, or in the service of a California city or county, providing assessment as to the quality of legal investigative work, the appropriateness of disciplinary charges, and making recommendations regarding the

* Experience in the "practice of law" and "performing legal duties" is defined as only that legal experience acquired after admission to The Bar.

disposition of a variety of types of cases. (Applicants who have completed four years and six months of the required experience will be

admitted to the examination, but must complete five years of such experience before they will be considered eligible for appointment.)

SUPERVISING OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Either I

Three years of experience in the California state service performing the duties of a Deputy Oversight Counsel, Bureau of Independent Review. (Applicants who have completed two years and six months of the required experience will be admitted to the examination, but must complete three years of such experience before they will be considered eligible for appointment.)

Or II

Five years of experience in the California state service performing legal duties comparable in level of responsibility to that of a Staff Counsel III (Specialist) or (Supervisor). (Applicants who have completed four years and six months of the required experience comparable to one of the Staff Counsel III classes will be admitted to the examination, but must complete five years of such experience before they will be considered eligible for appointment.)

Or III

Broad and extensive experience (seven or more years) in the practice of law*, at least four years of which must have been performing duties in a supervisory position equivalent in level of responsibility to that of a Staff Counsel III (Supervisor). (Applicants who have completed six years and six months of the required experience will be admitted to the examination, but must complete seven years of such experience before they will be considered eligible for appointment.)

CHIEF OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Either I

Three years of experience in the California state service performing the duties of a Supervising Oversight Counsel, Bureau of Independent Review. (Applicants who have completed two years and six months of the required experience will be admitted to the examination, but must complete three years of such experience before they will be considered eligible for appointment.)

* Experience in the "practice of law" and "performing legal duties" is defined as only that legal experience acquired after admission to The Bar.

Or II

Broad and extensive experience (ten or more years) in the practice of law*, or in a legal capacity in the Federal service, or in the service

of a California city or county, at least three years of which must have been performing duties which have included responsibility for planning, organizing, directing, and coordinating the work of a large law office or governmental agency, or the work of a group of attorneys practicing in specialized fields of law, or the work of a group of attorneys that provides broad oversight to legal investigative activities. (Applicants who have completed nine years and six months of the required experience will be admitted to the examination, but must complete ten years of such experience before they will be considered eligible for appointment.)

KNOWLEDGE AND ABILITIES

ALL LEVELS:

Knowledge of: Rules of evidence; constitutional rights related to laws of arrest, search and seizure, and service of legal process; investigative strategies and techniques, including use of warrants, interrogations, surveillance, evidence preservations and gathering, crime scene processing, forensics, and interviewing; internal investigations, including administrative and criminal investigations; Public Safety Officers Procedural Bill of Rights Act; public employment law; computer programs and software related to word processing, database management, and email communications; interrogation laws and techniques; criminal law and procedures; peace officer training and techniques, including proper tactics regarding legal use of force; organizational structure and functions within CDCR; State and Federal civil rights laws and due process; use of administrative and prosecutorial immunity; and the organizational structure and functions of the California state government.

Ability to: Maintain confidentiality of official matters and preserve protected legal relationships and privileges; consider the facts of a case in a fair and unbiased manner; communicate effectively with a variety of persons contacted in the course of the work; conduct and review complex and sensitive investigations, both criminal and administrative; demonstrate initiative; develop cooperative working relationships with correctional employees, union representatives, employee relations officers, prison administration, Vertical

* Experience in the "practice of law" and "performing legal duties" is defined as only that legal experience acquired after admission to The Bar.

Advocates, and investigators; prepare reports in a clear and concise manner; work independently; evaluate evidence; persuasively articulate arguments and/or conclusions based on sound logic and relevant facts; manage an extensive workload; critically analyze complex regulations

and policies; work with a small team of attorneys and investigators with differing backgrounds and expertise; maintain management systems to ensure the quality and timeliness of work operations; and properly maintain and qualify with departmentally assigned firearms.

SUPERVISING OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW
CHIEF OVERSIGHT COUNSEL, BUREAU OF INDEPENDENT REVIEW

Knowledge of: In addition to the above, time management techniques; advocacy skills; personnel management and supervision techniques; a supervisor's or manager's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free from discrimination and harassment; program development and evaluation; principles, practices, and trends in public administration; and principles and practices of policy formulation and development.

Ability to: In addition to the above, exercise mature judgment; demonstrate leadership; build consensus; evaluate work products and staff performance; employ strong management skills to ensure the successful implementation of the Bureau's mission; recommend and implement steps for change; and effectively promote equal opportunity and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTICS

All positions require incumbents to travel long distances by vehicle or by air; to remain away from home for extended periods of time; to work within a penal institution setting; to work long hours outside of the normal business day; and to remain on-call for 24-hour periods, including on weekends.

PEACE OFFICER STANDARDS

ALL LEVELS:

Citizenship Requirement: Pursuant to Government Code Section 1031 (a), in order to be a peace officer, a person must be either a U. S. Citizen or be a permanent resident alien who is eligible for and has applied for U. S. Citizenship. Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his/her application for citizenship is denied.

Felony Disqualification: Pursuant to Government Code Section 1029, persons convicted of a felony are disqualified from employment as peace officers except as provided under Welfare and Institutions Code, Division 2, Chapter 3, Article 8, Section 1179 (b), or Division 2.5, Chapter 1, Article 4, Section 1772 (b). Except as provided for by

these statutes, persons convicted of a felony are not eligible to compete for, or be appointed to, positions in these classes.

Firearm Conviction Disqualification: Anyone (1) restricted from possessing, carrying, or having under his/her control a firearm pursuant to Penal Code Section 12021; or (2) convicted of a misdemeanor crime of domestic violence under Title 18, United States Code, Section 922 (g)(9); or (3) restricted under any other Federal or State law from possessing, carrying, or having under his/her control a firearm, is ineligible for appointment to any position in these classifications.

Background Investigation: Pursuant to Government Code Section 1031, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons who have previously undergone an Office of the Inspector General background investigation may be required to undergo an additional background investigation.

Medical Requirement: Pursuant to Government Code Section 1031, persons appointed to a peace officer class shall undergo a medical examination to determine that he or she can perform the essential functions of the job safely and effectively.

Drug Testing Requirement: Applicants for positions in these classes are required to pass a drug screening test. (The drug screening test will be waived for employees who are currently in a designated "sensitive" class for which drug testing is required under State Personnel Board Rule 213.)

Training Requirements: Under provisions of Penal Code Section 832, successful completion of a training course in laws of arrest, search and seizure, and in firearms and chemical agents is a requirement for permanent status in these classifications.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Deputy Oversight Counsel, Bureau of Independent Review		--	--
Supervising Oversight Counsel, Bureau of Independent Review		--	--
Chief Oversight Counsel, Bureau of Independent Review		--	--

ccd/sks

(October 24, 2006)

TO: STATE PERSONNEL BOARD

FROM: DANIEL TOKUNAGA
Staff Personnel Management Analyst
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ
Program Manager
Department of Personnel Administration

SUBJECT:

The Department of General Services, on behalf of the California Law Revision Commission, requests that the existing class of Assistant Executive Secretary, California Law Revision Commission be retitled, CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION COMMISSION.

SUMMARY OF ISSUES:

The Department of General Services requests, on behalf of the California Law Revision Commission, and staff concurs that the title of the existing class of Assistant Executive Secretary, California Law Revision Commission be changed to Chief Deputy Counsel, California Law Revision Commission in order to reduce misperceptions about the class and better describe the position's role at the commission.

CONSULTED WITH:

NORMA ALVARADO, Personnel Analyst, Department of General Services
NATHANIEL STERLING, Executive Secretary, California Law Revision Commission
LARRY SVETICH, Representative, California Association of Managers and Supervisors
MITCH SEMER, Executive Officer, Association of California State Supervisors
RAQUEL SILVA, California Attorneys, Admin Law Judges, and Hearing Officers in State Employment

CLASSIFICATION CONSIDERATIONS:

Assistant Executive Secretary, California Law Revision Commission was established in September of 1958. Since that time, almost 50 years ago, civil service class nomenclature has changed. Today, a class title that uses the term, "executive secretary", commonly refers to a clerical position supporting a high level administrator. Continuing this frame of reference, an "assistant executive secretary", would indicate an even lower level position serving in an assistive or non-journey level clerical capacity. This role is much different than the actual role the Assistant Executive Secretary serves at the California Law Revision Commission. Here the position serves as the second highest administrator in the commission's organization, setting and administering commission policy and providing top legal advice and guidance to the entire commission on all legal matters before it. Because of these executive functions, the incumbent frequently represents the commission to outside

parties and is the first, and oftentimes, only person that representatives from the community and general public have with the commission.

The California Law Revision Commission is concerned about the initial perception individuals have when they receive either written or personal contact with the incumbent. Past experience shows that misperceptions do arise and the unknowing party believes that the Assistant Executive Secretary is a clerical staff rather than the second highest administrator at the Law Revision Commission. As a result, both time and instruction are needed to clarify the high level functions and authority the position holds. Such misunderstandings are unnecessary and problematic to the extent that they interfere with the business of the commission.

To alleviate this problem, the California Law Revision Commission proposes the new class title of Deputy Chief Counsel, California Law Revision Commission. This title was chosen to reflect the two major functions served by the incumbent, the first being the chief deputy for the commission and the second being the commission's legal counsel. The commission believes and staff concurs that the new title will correct the misperceptions previously encountered by the old title and be much more indicative of the position's actual role at the commission.

Aside from the proposed title change, no other changes are being made. Review of the existing Assistant Executive Secretary class specification indicates that no updates, additions, or other revisions are necessary.

For more information, please see attached.

RECOMMENDATIONS:

That the title of the class of Assistant Executive Secretary, California Law Revision Commission be changed to Chief Deputy Counsel, California Law Revision Commission; and the proposed revised specification for the class as shown in this calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The single person job class of Assistant Executive Secretary, California Law Revision Commission, is an attorney and is second in command of the Law Revision Commission. It is not a clerical position.

The Law Revision Commission would like to change the title of the class to "Chief Deputy Counsel, Law Revision Commission." The proposed title would be more descriptive of the legal and managerial responsibilities of the class.

The Assistant Executive Secretary, California Law Revision Commission, independently performs legal tasks of the highest complexity. The position requires regular contact with legislators and legislative staff, judges, prominent members of the State Bar, lobbyists, law professors, and other professionals. The person in the position must present legal issues at public meetings, testify before legislative committees, negotiate and explain legislation, seek authors for legislative proposals, and discuss ideas in developing proposed legislation.

The Assistant Executive Secretary, California Law Revision Commission, also assists the Executive Secretary, California Law Revision Commission, with the management of the agency.

Experience shows that a person who is unfamiliar with the personnel structure of the Law Revision Commission may mistakenly assume that the Assistant Executive Secretary, California Law Revision Commission is a clerical employee.

This can lead to miscommunication, a failure to recognize the authority of the incumbent, and an undermining of the incumbent's credibility. These problems can also negatively effect recruitment for the position.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

The Executive Secretary, CLRC (agency director).

3. Will the subject class(es) supervise? If so, what class(es)?

Staff Counsel, Associate Governmental Program Analyst, Executive Secretary (clerical position)

4. What are the specific duties of the subject class(es)?

The Assistant Executive Secretary, California Law Revision Commission, is second in command of the agency. The incumbent assists the Executive Secretary, California Law Revision Commission, in planning, organizing, and directing all phases of the legal and administrative work of the Commission, and acts for the

Executive Secretary, California Law Revision Commission, in his absence; reviews suggestions received by the Commission for changes in the laws of California and makes or directs preliminary studies of such suggestions; assists the Commission in the selection of topics for study by finding such topics, and supervising the preparation of preliminary reports thereon; contacts research consultants and makes arrangements for specific legal studies which have been approved by the Commission and authorized by the Legislature; prepares and supervises the preparation of research studies assigned to the staff; assists in the preparation of research studies assigned to research consultants by conferring with such consultants and editing, with respect to both form and substance, reports prepared by them; presents staff and research consultant reports to the Commission and to Legislative Committees; prepares or assists in preparing for the consideration of the Commission recommendations to the Legislature and proposed Legislative bills recommended by the Commission; works with State Bar Committees and other interested persons in identifying and working out questions and objections which may be raised concerning the Commission's reports and recommendations; prepares or assists in preparing reports and bills in final form for the consideration of the Commission and presents bills to Committees of the Legislature.

5. What is the decision-making responsibility of the subject class(es)?

See answer to #4.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

See answer to #4.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

See answer to #4.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Works with Legislators and their staffs, representatives of the California Bar, the California Judges Association, the Judicial Council, and other legal and trade organizations. Provides testimony at legislative committee hearings on complex legal matters.

B. CLASSIFICATION CONSIDERATIONS

Page 2

NEED FOR NEW CLASS (if necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

N/A

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

We have reviewed the existing minimum qualifications for the class and certify that they are appropriate.

PROBATIONARY PERIOD

☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

N/A

STATUS CONSIDERATIONS (see additional information in Part D).

12. What is the impact on current incumbents?

This would only affect the class title. Changes to the duty statement are not required.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

The one incumbent will remain in place and use the revised class title. No “movement” will occur.

CONSULTED WITH

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Norma Alvarado
Daniel Tokunaga

CALIFORNIA STATE PERSONNEL BOARD**SPECIFICATION**

Schematic Code: OF60
Class Code: 6044
Established: 9/25/58
Revised: 12/17/85
Title Changed: --

~~ASSISTANT EXECUTIVE SECRETARY~~ CHIEF DEPUTY COUNSEL,
CALIFORNIA LAW REVISION COMMISSION

DEFINITION

Under the direction of the Executive Secretary, California Law Revision Commission, to assist in planning, organizing, and directing all phases of the legal and administrative work of the Commission; to act for the Executive Secretary, California Law Revision Commission, in his absence; and to do other related work.

TYPICAL TASKS

Assists the Executive Secretary, California Law Revision Commission, in planning, organizing, and directing all phases of the legal and administrative work of the Commission, and acts for the Executive Secretary, California Law Revision Commission, in his absence; reviews suggestions received by the Commission for changes in the laws of California and makes or directs preliminary studies of such suggestions; assists the Commission in the selection of topics for study by finding such topics, and supervising the preparation of preliminary reports thereon; contacts research consultants and makes arrangements for specific legal studies which have been approved by the Commission and authorized by the Legislature; prepares and supervises the preparation of research studies assigned to the staff; assists in the preparation of research studies assigned to research consultants by conferring with such consultants and editing, with respect to both form and substance, reports prepared by them; presents staff and research consultant reports to the Commission and to Legislative Committees; prepares or assists in preparing for the consideration of the Commission recommendations to the Legislature and proposed Legislative bills recommended by the Commission; works with State Bar Committees and other interested persons in identifying and working out questions and objections which may be raised concerning the Commission's reports and recommendations; and prepares or assists in preparing reports and bills in final form for the consideration of the Commission and presents bills to Committees of the Legislature.

MINIMUM QUALIFICATIONS

Membership in The State Bar of California. (Applicants must have active membership in The State Bar before they will be eligible for appointment.)

and
Either I

One year of experience in the California Law Revision Commission performing legal duties* at a level of responsibility equivalent to a Staff Counsel, Range D.

Or II

Two years of experience in the California state service performing legal duties at a level of responsibility equivalent to a Staff Counsel, Range C, the majority of which time has been spent in legal writing or statute drafting, or some combination of these.

Or III

Five years of legal experience, at least two years of which must have been in teaching law, legal writing or statute drafting, or some combination of these.

KNOWLEDGE AND ABILITIES

Knowledge of: Scope and character of California statutory law; provisions of the California State Constitution, including their relationship to judicial precedents and Federal constitutional provisions and laws; rules, organization, and operation of the California State Legislature; legal terminology and research; legal principles and precedents and their application to difficult, complex, and novel legal problems; and the Commission's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Present statements of fact, law, and argument clearly and logically in written and oral form; perform and supervise difficult legal research and statute drafting work; supervise a professional and clerical staff; dictate and review legal correspondence; establish and maintain cooperative relationships with those contacted in the work; analyze situations accurately and adopt an effective course of action; and effectively contribute to the Commission's affirmative action objectives promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

* Experience in the "practice of law" or "performing legal duties" or "legal experience" is defined as only that legal experience acquired after admission to The Bar.

TO: STATE PERSONNEL BOARD

FROM: MARGIE IMAI, Personnel Program Manager
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Program Manager
Department of Personnel Administration

DARYLL TSUJIHARA, Chief, Classification and Compensation Division
Department of Personnel Administration

SUBJECT: Proposed specification revision to the Minimum Qualifications for the Cook Specialist I (Correctional Facility), Cook Specialist II (Correctional Facility) and Correctional Supervising Cook (Correctional Facility) classes.

SUMMARY OF ISSUES:

The California Department of Corrections and Rehabilitation (CDCR) produces and serves more than 0.5 million meals a day. CDCR is in serious jeopardy of not being able to provide these meals because of statewide vacancies that run as high as 50 percent. The production nature of the CDCR Food Services Program requires that production quota be met 365 days per year, three meals per day, regardless of institutional emergencies or vacancy levels. This is a unique feature as other institutional programs may be cancelled or delayed because of staffing issues or implementation of emergency operation procedures.

CDCR is proposing to revise the minimum qualifications of the Cook Specialist I (Correctional Facility), Cook Specialist II (Correctional Facility) and Correctional Supervising Cook (Correctional Facility) classes. The current minimum qualifications are limiting, out-of-date and keep many qualified candidates from participating in the examinations. Employees in restaurants and fast food chains gain valuable training and experience and would be considered excellent candidates for these classes. CDCR is proposing to revise the minimum qualifications and expand the type of work experience to broaden the candidate pool for the food service classifications.

CONSULTED WITH:

ELODA WHITE, Department of Corrections and Rehabilitation
JANA ADAMS, Department of Corrections and Rehabilitation
JENNIFER ROCHE, State Personnel Board
KAREN COFFEE, State Personnel Board
FRANKLIN MARR, Department of Personnel Administration

In accordance with the terms of the Department of Personnel Administration (DPA)/Service Employees International Union (SEIU) contract, DPA has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

See attached proposal.

RECOMMENDATIONS:

That the proposed revised specifications for the following classes as shown in this calendar be adopted:

- Cook Specialist I (Correctional Facility)
- Cook Specialist II (Correctional Facility)
- Correctional Supervising Cook (Correctional Facility)

CLASSIFICATION CONSIDERATIONS

Instructions: Complete after if Concept (Part A) is approved by DPA. Answer all applicable questions, providing enough information to support your proposal. Return this with a signed transmittal form to your DPA and SPB Analysts.

Background

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The Department of Corrections and Rehabilitation (CDCR) serves more than 1/2 million meals each day. CDCR's Food Service Program is required to provide balanced nutritional meals, three times a day, seven days a week to the 165,000 + incarcerated inmates and wards. The production nature of CDCR Food Services Program requires that the meals are provided regardless of institutional emergencies and vacancy levels.

In October 2005 a survey of 33 Adult Institutions revealed the following information on the Correctional Supervising Cook (Correctional Facility) (CF) classification. Vacancy rates were as high as 50%, 9 institutions reported a 20% or higher vacancy rate and 10 institutions reported a 10-19% vacancy rate. Due to the existing vacancies rates, staff are forced into overtime shifts. In the past year, the Correctional Supervising Cooks (CF) have worked approximately 154,773 hours of overtime. The cost of overtime is a liability to the Department's budget.

CDCR Juvenile Justice Division's policy and procedures require that all wards must have site supervision at all times while working in the kitchen. CDCR Juvenile Justice Division participates in the National School Breakfast and Lunch Program (NSBLP) that produces approximately \$4 million dollars in annual reimbursements. The NSBLP requires food service staff to perform specific, daily tasks such as: monitor meal count procedures, adhere to the wellness policy, complete required paper work, ensure Hazard Analysis Critical Control Point procedures are followed, provide medical and religious diets, and provide training to all staff and wards. CDCR's Juvenile Justice Division is audited every three years by the Department of Education to ensure compliance with federal and state NSBLP policies.

The current vacancy rates for the Correctional Supervising Cook (CF) classification in the Juvenile Justice Facilities are as high as 50 percent in certain locations. Some institutions have begun the process of TAU hires in an attempt to fill vacancies due to the lack of candidates on the certification lists.

The proposed revisions to the Minimum Qualifications (MQ) to recognize work experience in restaurants and fast food chains will open up the candidate pool and provide the Department with the much needed expertise in the Food Service Program entry level classifications. The current MQs are so narrowly written, many applicants have been disqualified especially those that have had experience working in restaurants and fast food chains restaurants. These candidates come from employers that provide extensive training as well as much needed supervisory skills that would be an asset in these classifications.

The proposed revisions will broaden the candidate pool and help in the recruitment of qualified candidates to fill the many vacancies that CDCR is experiencing on a statewide basis. This will give the current employees much needed respite from their tremendous workloads, as well as meeting the current needs of the Department.

Classification Considerations

2. What classification(s) does the subject class(es) report to?

The Cook Specialist I (CF) and Cook Specialist II (CF) reports to the Correctional Supervising Cook (CF).

The Correctional Supervising Cook (CF) reports to the Supervising Correctional Cook in the adult institutions and the Supervising Cook II (CF) in the juvenile justice facilities.

3. Will the subject class(es) supervise? If so, what class(es)?

The Cook Specialist I (CF) does not supervise.

The Cook Specialist II (CF) does not supervise, but may lead the Cook Specialist I (CF).

In the adult institutions the Correctional Supervising Cook (CF) supervises Cook Specialist I (CF) and Cook Specialist II (CF) classifications.

4. What are the specific duties of the subject class(es)?

The Cook Specialist I (CF) performs the less responsible and less skilled tasks required in preparing, cooking, and dispensing various food items; relieves the cooks, bakers or meat cutters of routine operations such as tending steam kettles, watching, turning, and stirring food; supervises clean-up operations and other duties such as slicing bread, weighing ingredients, and cutting and grinding meat; cleans and maintains culinary utensils, equipment and work areas with the assistance of employees and helpers from the resident population; as required, acts for the Cook Specialist II (CF) or Baker I (CF) in that employee's absence; maintains order and supervises the conduct of persons committed to CDCR; prevents escapes and injury by these persons to themselves or to others or to property; maintains security of working areas and work materials; and inspects premises and searches inmates, wards, residents, or patients for contraband, such as weapons or illegal drugs.

The Cook Specialist II (CF) prepares, cooks, and dispenses soups, sauces, meats, eggs, dairy products, vegetables, salads, salad dressing, fruits, pastries, desserts, breads, and beverages; cleans and maintains culinary utensils and equipment and the working area with the assistance of helpers; assigns work and gives instruction and training to employees and helpers from the resident population, evaluates their performance, and takes or recommends appropriate action; may plan menus; inspects personnel and working areas and maintains safety and sanitation standards; reports on the work progress of assistances; keeps records; as required, requisitions, receives, inspects, stores and inventories supplies; maintains order and supervises the conduct of persons committed to CDCR; prevents escapes and injury by these persons to themselves or others or to property; maintains security of working areas and work materials; inspects premises and searches inmates, wards, residents, or patients for contraband, such as weapons or illegal drugs; and acts for the Supervising Cook in his/her absence.

The Correctional Supervising Cook (CF) assigns work, supervises, and gives instruction and training to employees and helpers from the resident population, evaluates their performance, and takes or recommends appropriate action; prepares, cooks, and dispenses food and serves as lead cook on a shift; apportions the food to the various dining rooms; supervises the maintenance of culinary utensils and equipment and the cleaning of various storage and work areas; makes inspections and maintains food handling practices and standards of safety and sanitation; requisitions, receives, inspects, stores, and inventories supplies; supervises garbage disposals; as required, plans menus in accordance with the established food allowance, ensures compliance with standardized CDCR menus and recipes, and determines the amount of food to be prepared; as required, acts for the Supervising Cook II (CF) or Food Administrator I (CF) in his/her absence; keeps records and prepares reports; maintains order and supervises the conduct of persons committed to the CDCR; prevents escapes and injury by these persons to themselves or others or to property; maintain security of working areas and work materials; and inspect premises and searches inmates, ward, residents, or patients for contraband, such as weapons or illegal drugs.

5. What is the decision-making responsibility of the subject class(es)?

The Cook Specialist I (CF) perform the less responsible and less skilled duties required in the preparation, cooking and dispensing of food. The Cook Specialist I (CF) is required to use good judgment in supervising the resident population while maintaining safety and security measures.

The Cook Specialist II (CF) prepares, cook and dispense large quantity of food for the residents in the State Correctional facility. The Cook Specialist II (CF) is required to use good judgment in supervising the resident population while maintaining safety and security measures.

The Correctional Supervising Cook (CF) plans, organizes, supervises and assists with preparation of meals in large quantity. The Correctional Supervising Cook (CF) is required to use good judgement in supervising the resident population while maintaining safety and security measures.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

If Cook Specialist I (CF) did not perform their duties, the inmates/wards would not be provided their meals. This would greatly affect the Department's responsibility to provide adequate nutrition to the inmates/wards. Public safety could be compromised without the supervision that takes place in the kitchen areas when inmates/wards are assisting in the preparation of meals.

If the Cook Specialist II (CF) did not perform their duties the inmates/wards would not be provided their nutritional meals. This is one of the required responsibilities of the Department. A possibility of lost funding during the planning stage when purchasing and maintaining adequate quantities of food and supplies. Public safety could be compromised without the supervision that takes place in the kitchen areas when inmates/wards are assisting in the preparation of meals.

If Correctional Supervising Cooks(CF) did not perform their duties inmates/wards would not be provided their nutritional meals. Also an adequate food supply may not be purchased or the institution can experience over purchase which may end up in waste. Public safety would be compromised without the supervision that takes place in the kitchen areas when inmates and wards are assisting in the preparation of meals.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Cook Specialist I (CF) does not have a need for analytical requirements.

The Cook Specialist II (CF) is expected to plan meals, identify the ingredients of those meals deciding what and how much depending on the numbers being served. Also required to cost out meals, ordering food supplies and projecting costs.

Correctional Supervising Cooks (CF) are expected to plan meals, identify the ingredients of those meals deciding what and how much depending on the numbers being served. They are also required to cost out meals, ordering food supplies and projecting costs.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

The Cook Specialist I (CF) is in contact with inmates/wards on a daily basis, serving and assisting them as they work in the kitchen. Depending upon their location, institution, camp, training facility, they are in constant contact with their co-workers, as well as management.

The Cook Specialist II (CF) is in contact with inmates/wards on a daily basis, serving and assisting them in they work in the kitchen. Depending upon their location institution, camp, training facility, they are in constant contact with their co-workers, as well as management.

The Correctional Supervising Cook (CF) is in contact with inmates/wards on a daily basis, serving and assisting them in they work in the kitchen. Depending upon their location institution, camp, training facility, they are in constant contact with their co-workers, as well as management. On occasion, there may be visitors touring the facilities.

Need for New Class (if necessary)

9. For new classes only: what existing classes were considered and why were they not appropriate?

N/A

Minimum Qualifications

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

CDCR is proposing the following revisions to the MQs:

Cook Specialist I (CF)

Either I

Experience: One year of experience in the California state service performing the duties of a Food Service Technician I (Correctional Facility).

Or II

Experience: One year of experience in assisting a cook in the preparation and cooking of a varied menu for a restaurant, fast food outlet, or any other business with a food

service operation serving at least 25 persons per day. (Full-time training in a recognized trade school or training program for cooks may be substituted for the required experience on the basis of one month of school attendance being equal to two months of experience.)

Cook Specialist II (CF)

Either I

Experience: ~~Two Years~~ One year of experience in the California state service performing the duties of a Cook Specialist I (Correctional Facility) or Cook Specialist I.

Or II

~~Three years of experience as a cook in one or a combination of the following:~~

- ~~1. Preparing food for at least 250 persons a meal with experience at the various stations, not less than six months of which shall have been in charge of the work of kitchen helpers or others doing similar work. or~~
- ~~2. Experience: Two years of experience personally preparing complete breakfasts, lunches, and dinners for 50 or more persons a meal. (Short order cooking experience is not considered qualifying.) and cooking varied menu for a restaurant, fast food outlet, or any other business with a food service operation serving at least 25 persons per day.~~

(Full-time training in a recognized trade school for cooks and bakers may be substituted for not more than ~~two years~~ six months of ~~either type of~~ the required experience on the basis of one month of such school attendance being equal to ~~two months~~ one month of experience.) and

Education: Equivalent to completion of the twelfth grade.

Correctional Supervising Cook (Correctional Facility)

Either I

Experience: ~~Two years~~ One year of experience in the California state service performing the duties of a Cook Specialist II (Correctional Facility) or a Cook Specialist II.

Or II

Experience: ~~One year~~ Two years of experience in a supervisory capacity over cooks and allied other food service workers with responsibility for supervising and assisting with the preparation, cooking, and serving of ~~meals for a at least 250 persons a meal a~~ varied menu for a restaurant, fast food outlet, or any other business with a food service operations serving at least 25 persons per day. and

Education: Equivalent to completion of the ~~eighth~~ twelfth grade.

CDCR is proposing to broaden the required experience to attract candidates with skills acquired in restaurants or fast food settings. This will open up the candidate pool for these classes with candidates who have been provided extensive training in food handling, safety, sanitation and supervision in the food service industry. The individuals with this experience have been disqualified from the examination process in the past due to the current language in the MQs which exclude experience working in a restaurant or fast food setting. CDCR is also proposing to lower the years of experience required. The subject matter experts in these classifications have suggested that the skills acquired in the timeframes proposed are adequate in meeting the skill levels of those coming into these classifications and should be reduced as indicated. However, the education level has upgraded to the twelve grade level instead of the 8th grade level. The increase in the education requirement is due to the skills needed to perform duties such as keeping inventory, ordering supplies and writing reports. All current employees have met the twelve grade education level.

Probationary Period

☒ The probationary period is six months

11. If a probationary period other than six months is proposed, what is the rationale?
N/A

Status Considerations

12. What is the impact on current incumbents?
There is no impact on current incumbents.
13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.
N/A

Consulted With

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.
- Sue Summersett, M.P.H., R.D., Department of Corrections and Rehabilitation,
Department Food Administrator
- Pat Yates, Food Manager, Department of Corrections and Rehabilitation, Division of
Juvenile Justice

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: DJ45
Class Code: 2187
Established: 7/23/75
Revised: 7/11/79
Title Changed: 5/2/01

COOK SPECIALIST I (CORRECTIONAL FACILITY)

DEFINITION

Under supervision, in a State correctional facility in the ~~Departments~~ Department of Corrections or Department of the Youth Authority and Rehabilitation, to assist in preparing, cooking, and dispensing food for the residents and employees of the facility; to care for culinary equipment, supplies, and work areas; to work with employees and helpers from the resident population; to maintain order and supervise the conduct of inmates, wards, residents, or patients; to protect and maintain the safety of persons and property; may instruct, lead, or supervise inmates, wards, or resident workers₇; and do other related work.

DISTINGUISHING CHARACTERISTICS

This is the first working level in the Cook (Correctional Facility) series. Employees in the class of Cook Specialist I (Correctional Facility) normally work under the supervision of a Cook Specialist II (Correctional Facility) performing the less responsible and less skilled duties required in the preparation, cooking, and dispensing of food. Employees in this class may be used in detached living units for short-order food preparation and supervision of food serving by residents.

Employees in this class who perform responsible cooking duties either through a combination of duties or rotation may also supervise such activities as the cleaning of cooking pots and equipment in a central pot washing room, the preparation of fruits and vegetables in a central vegetable room, or the cleanup and other less responsible tasks in the kitchen, bake shop or butcher shop, such as bread slicing, weighing ingredients, and the more routine meat cutting and grinding. However, if these duties are performed on a permanent full-time basis and not in combination with or rotated with more responsible cooking duties, such duties are allocated to the class Food Service Technician II (Correctional Facility).

Through training or on-the-job work experience employees are expected to develop skill in quantity cooking as preparation for advancement to Cook Specialist II (Correctional Facility).

Employees in the class of Food Service Technician I (Correctional Facility) in the kitchen, bake shop, or meat unit perform the more routine tasks, and clean and maintain utensils, equipment, and work areas.

TYPICAL TASKS

Performs the less responsible and less skilled tasks required in preparing, cooking, and dispensing various food items; relieves the cooks, bakers or meat cutters of routine operations such as tending steam kettles, watching, turning, and stirring food; supervises clean-up operations and such other duties as slicing bread, weighing ingredients, and cutting and grinding meat; cleans and maintains culinary utensils, equipment and work areas with the assistance of employees and helpers from the resident population; participates in on-the-job or classroom instruction for cooks; may supervise the work of helpers from the resident population; as required, acts for the Cook Specialist II (Correctional Facility) or Baker I (Correctional Facility) in that employee's absence; maintains order and supervises the conduct of persons committed to the ~~Department's~~ Department of Corrections and the ~~Youth Authority~~ Rehabilitation; prevents escapes and injury by these persons to themselves or others or to property; maintains security of working areas and work materials; and inspects premises and searches inmates, wards, residents, or patients for contraband, such as weapons or illegal drugs.

MINIMUM QUALIFICATIONSEither I

Experience: One year of experience in the California state service performing the duties of a Food Service Technician I (Correctional Facility).

Or II

Experience: One year of experience in assisting a cook in the preparation and cooking of a varied menu for a restaurant, fast food outlet, or any other business with a food service operation serving at least 25 persons per day. (Full-time training in a recognized trade school or training program for cooks may be substituted for the required experience on the basis of one month of school attendance being equal to two months of experience.)

KNOWLEDGE AND ABILITIES

Knowledge of: Kitchen sanitation and safety measures; food handling sanitation (Hazard Analysis Critical Control Point Programs); principles, procedures, and equipment used in the storage, care, preparation, cooking, and dispensing of food in large quantity; and methods and procedures used in the operation, cleaning, and care of utensils, equipment, and work areas.

Ability to: Complete satisfactorily a training program in the preparation and cooking of all food groups; follow directions; keep records; analyze situations accurately and adopt an effective course of action; and read and write at a level appropriate to the classification.

SPECIAL PERSONAL CHARACTERISTICS

Sympathetic understanding of and willingness to work with the resident population of a State correctional facility; personal cleanliness; good sense of smell and taste; and freedom from communicable diseases.

SPECIAL PHYSICAL CHARACTERISTICS

Persons appointed to positions in this class must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates and wards.

Assignments during tour of duty may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: DJ35
Class Code: 2186
Established: 7/23/75
Revised: 12/4/02
Title Changed: 5/2/01

COOK SPECIALIST II (CORRECTIONAL FACILITY)

DEFINITION

Under supervision, to prepare, cook, and dispense food for the residents and employees of a State correctional facility in the Department of Corrections ~~or Department of the Youth Authority and Rehabilitation~~; to care for culinary equipment, supplies, and work areas; to supervise, instruct, and work with employees and helpers from the resident population; to maintain order and supervise the conduct of inmates, wards, residents, or patients; to protect and maintain the safety of persons and property; may instruct, lead, or supervise inmates, wards, or resident workers; and to do other related work.

DISTINGUISHING CHARACTERISTICS

Cooks in small to large correctional facilities; normally works with the cooks as a part of a shift team. Different items of food are prepared separately in large quantities and specialized fixed equipment such as steam-jacketed kettles and revolving ovens are used.

In small correctional institutions, the cook on each shift usually prepares an entire meal with the assistance of helpers and may plan menus. Equipment used may be either kitchen ranges and portable utensils or specialized fixed equipment such as steam-jacketed kettles, ~~and~~ revolving ovens, and commercial mixers.

Employees in the next higher class of Correctional Supervising Cook (Correctional Facility) assign work, supervise, and give instructions to culinary employees and helpers from the resident population.

Employees in the next lower class of Cook Specialist I (Correctional Facility) assist the cook, baker, or butcher-meat cutter by performing the less responsible and less skilled work required in preparing, cooking, and dispensing food. Through training and experience, Cook Specialists II (Correctional Facility) are expected to develop skill in quantity cooking.

TYPICAL TASKS

Prepares, cooks, and dispenses soups, sauces, meats, eggs, dairy products, vegetables, salads, salad dressing, fruits, pastries, desserts, breads, and beverages; cleans and maintains culinary utensils and equipment and the working area with the assistance of

helpers; assigns work and gives instruction and training to employees and helpers from the resident population, evaluates their performance, and takes or recommends appropriate action; may plan menus; inspects personnel and working areas and maintains safety and sanitation standards; reports on the work progress of assistants; keeps records; as required, requisitions, receives, inspects, stores, and inventories supplies; maintains order and supervises the conduct of persons committed to the ~~Departments~~ Department of Corrections ~~or the Youth Authority~~ and Rehabilitation; prevents escapes and injury by these persons to themselves or others or to property; maintains security of working areas and work materials; inspects premises and searches inmates, wards, residents, or patients for contraband, such as weapons or illegal drugs; and acts for the Supervising Cook in his/her absence.

MINIMUM QUALIFICATIONS

Either I

Experience: ~~Two years~~ One year of experience in the California state service performing the duties of a Cook Specialist I (Correctional Facility) or Cook Specialist I.

Or II

~~Three years of experience as a cook in one or a combination of the following:~~

- ~~1. Preparing food for at least 250 persons a meal with experience at the various stations, not less than six months of which shall have been in charge of the work of kitchen helpers or others doing similar work. or~~
- ~~2. Experience: Two years of experience personally preparing complete breakfasts, lunches, and dinners for 50 or more persons a meal. (Short order cooking experience is not considered qualifying.) and cooking varied menu for a restaurant, fast food outlet, or any other business with a food service operation serving at least 25 persons per day.~~

(Full-time training in a recognized trade school for cooks and bakers may be substituted for not more than ~~two years~~ six months of ~~either type of~~ the required experience on the basis of one month of such school attendance being equal to ~~two months~~ one month of experience.) and

Education: Equivalent to completion of the twelfth grade.

KNOWLEDGE AND ABILITIES

Knowledge of: Principles, procedures, and equipment used in the storage, care, preparation, cooking, and dispensing of food in large quantity; kitchen sanitation and safety measures used in the operation, cleaning, and care of utensils, equipment, and work areas; food handling sanitation (Hazard Analysis Critical Control Point Programs); food values as well as nutritional and economical substitutions within food groups; principles of effective supervision

and instructing and working with assistants and helpers from the resident population; food accounting and keeping records, and preparing reports.

Ability to: Communicate at a level required for successful job performance; prepare and cook all food groups and use appropriate equipment; judge food quality; plan work schedule and prepare and follow menus, recipes, and formulas; determine food quantities necessary for groups of varying size; instruct and work with assistants and helpers from the resident population; keep records and prepare reports; and analyze situations accurately and adopt an effective course of action.

SPECIAL PERSONAL CHARACTERISTICS

Sympathetic understanding of and willingness to work with the resident population of a State correctional facility; personal cleanliness; good sense of smell and taste; and freedom from communicable diseases.

SPECIAL PHYSICAL CHARACTERISTICS

Persons appointed to positions in this class must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates and wards.

Assignments during tour of duty may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: DJ25
 Class Code: 2183
 Established: 7/23/75
 Revised: 12/4/02
 Title Changed: 12/4/02

CORRECTIONAL SUPERVISING COOK (CORRECTIONAL FACILITY)

DEFINITION

Under direction, in the Department of Corrections ~~or Department of the Youth Authority and Rehabilitation~~, either (1) in a small State correctional culinary program, to plan, organize, supervise, and assist with the preparation, cooking, and serving of food to residents and employees; or (2) in a medium-sized State correctional culinary program, to have charge of a shift and to supervise and assist with the preparation, cooking, and serving of food to residents and employees; or (3) in a large correctional culinary program, to supervise a large crew in the preparation, cooking, and serving of food to residents and employees; to supervise the maintenance of culinary equipment, supplies, and work areas; to instruct culinary workers; to maintain order and supervise the conduct of inmates, wards, residents, or patients; to protect and maintain the safety of persons and property; may instruct, lead, or supervise inmates, wards, or resident workers; and to do other related work.

DISTINGUISHING CHARACTERISTICS

Employees in this class in a small correctional culinary program normally work under the general administrative direction of a Business Manager or Food Administrator and are in direct charge of cooks and allied workers preparing and serving three meals a day for ~~less than 250~~ residents and employees.

Employees in this class in a medium-sized correctional culinary program normally work under the supervision of a Supervising Cook II (Correctional Facility) or Supervising Correctional Cook and have charge of a shift where they supervise and assist cooks and allied workers with the preparation, cooking, and serving of food to ~~250-499~~ residents and employees.

Employees in this class in a large correctional culinary program normally work under the general supervision of either a Supervising Cook II (Correctional Facility) in juvenile facilities, or a Supervising Correctional Cook in adult institutions, supervising a crew ~~(715)~~ in the preparation, cooking, and serving of food to ~~500 or more~~ residents and employees. Incumbents may also have shift responsibility.

Employees in the next higher class of Supervising Cook II (Correctional Facility) normally work under the direction of a Food Administrator II (Correctional Facility) or Food Manager (Correctional

Facility) in juvenile facilities, or under an Assistant Correctional Food Manager in adult institutions, and are in direct charge of the food production staff in correctional culinary programs ~~with a population of 500 or more.~~ The class of Supervising Cook II (Correctional Facility) may also be used in smaller correctional culinary programs ~~of 250 to 500 population~~ where there is no Food Administrator or Food Manager.

In the ~~largest~~ larger State correctional culinary programs preparing, cooking, and serving three meals a day for ~~1,500 or more~~ residents and employees, the Supervising Cook II (Correctional Facility) or Supervising Correctional Cook is a shift supervisor who supervises at least five employees at the Correctional Supervising Cook (Correctional Facility) level.

The next lower class of Cook Specialist II (Correctional Facility) prepares, cooks, and dispenses food for the residents and employees of a State correctional facility and supervises, instructs, and works with employees and helpers from the resident population.

TYPICAL TASKS

Assigns work, supervises, and gives instruction and training to employees and helpers from the resident population, evaluates their performance, and takes or recommends appropriate action; prepares, cooks, and dispenses food and serves as lead cook on a shift; apportions the food to the various dining rooms; supervises the maintenance of culinary utensils and equipment and the cleaning of various storage and work areas; makes inspections and maintains food handling practices and standards of safety and sanitation; requisitions, receives, inspects, stores, and inventories supplies; supervises garbage disposal; as required, plans menus in accordance with the established food allowance, ensures compliance with standardized CDCR menus and recipes, and determines the amount of food to be prepared; as required, acts for the Supervising Cook II (Correctional Facility) or Food Administrator I (Correctional Facility) in his/her absence; keeps records and prepares reports; maintains order and supervises the conduct of persons committed to the ~~Department of Corrections and the Youth Authority~~ Department of Corrections and the Youth Authority Rehabilitation; prevents escapes and injury by these persons to themselves or others or to property; maintains security of working areas and work materials; inspects premises and searches inmates, wards, residents, or patients for contraband, such as weapons or illegal drugs.

MINIMUM QUALIFICATIONS

Experience: ~~Two years~~ One year Either I of experience in the California state service performing the duties of a Cook Specialist II (Correctional Facility) or a Cook Specialist II.

Or II

Experience: ~~One year~~ Two years of experience in a supervisory capacity over cooks and ~~allied~~ other food service workers with responsibility for supervising and assisting with the preparation, cooking, and serving of ~~meals for at least 250 persons a meal~~ a varied menu for a restaurant, fast food outlet, or any other business with a food service operation serving at least 25 persons per day. and

Education: Equivalent to completion of the ~~eighth~~ twelfth grade.

KNOWLEDGE AND ABILITIES

Knowledge of: Principles, procedures, and equipment used in the storage, care, preparation, cooking (including baking), dispensing, and serving of food in large quantities; kitchen sanitation and safety measures used in the operation, cleaning, and care of utensils, equipment, and work areas; food handling sanitation (Hazard Analysis Critical Control Point Programs); food values as well as nutritional and economical substitutions within food groups; principles of effective supervision; food accounting; use of purchase orders for food and equipment; training methods; ~~the Department's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives~~ and a manager's/supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

~~Skill in: Judging food quality; preparation and cooking of all food groups.~~

Ability to: Plan palatable and adequate menus; plan, organize, and direct the work of others; keep records; ~~and~~ prepare reports and memorandums; communicate at a level required for successful job performance; keep inventories and make requisitions; use appropriate equipment; judge food quality; determine food quantities necessary for groups of varying sizes; prepare and cook all food groups; direct the preparation and distribution of special diets; plan food production to schedule; plan and conduct in-service training programs; and analyze situations accurately and take effective action; effectively contribute to the Department's affirmative action objectives and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTICS

Sympathetic understanding of and willingness to work with the resident population of a State correctional facility; supervisory ability; personal cleanliness; good sense of smell and taste; and freedom from communicable diseases.

SPECIAL PHYSICAL CHARACTERISTICS

Persons appointed to positions in this class must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates and wards.

Assignments during tour of duty may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.